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Applicant : H.S. Roy and Jeff Young   Art Unit : 2176
Serial No. : 09/456,888   Examiner : Almari C. Romero
Filed   : December 7, 1999

Title   : Formatting Content By Example

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is a Reply Brief, faxed this 20th day of June, 2005, to the United States Patent and Trademark Office.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Applicant responds to the Examiner's Answer as follows.

The following headings are from the Applicant's Appeal Brief. The Examiner has responded to the arguments made under those headings beginning on page 9 of the Examiner's Answer. Applicant will address particular responses in turn under the corresponding headings.

(A)(i) Cordell does not teach inserting placeholders in a document.

In the Answer, the Examiner correctly states that "Cordell teaches a placeholder is temporarily displayed 84 instead of the embedded graphical image being received (cite)". *See also* Cordell, col. 5, lines 42-46. What claim 1 requires, however, is not "temporary display", but rather insertion "in a document" that is being generated. The distinction between temporary display and insertion is meaningful because an inserted placeholder that is in the document and bound to a content source (also required by claim 1) can be displayed differently in different display modes, *i.e.*, modes of displaying the document, namely the presentation mode recited in claim 1 and the edit mode recited in claim 35.

(A)(ii) Cordell does not teach placeholders that have representative content.

In the Answer, the Examiner disagrees with the foregoing statement because "Cordell teaches each placeholder corresponds to an embedded graphical image that is to be rendered in the document (cite)." The Examiner appears to be reading the content of the image that is being replaced by the Cordell placeholder as the representative content. This reading does violence to the meaning of the word "representative".

In the Appeal Brief, Applicant offered the following definition for "representative": "representing or capable of representing, depicting, or portraying." The Answer did not dispute this definition; it merely ignored it. Applicant finds definitions of the same import in other dictionaries. For example, as a noun, "representative" is defined to mean "One that serves as an example or type for <u>others</u> of the same classification." The American Heritage® Dictionary of the English Language, Fourth Edition, definition 1 (emphasis added). As an adjective, "representative" has two pertinent definitions: "Representing, depicting, or portraying or able to do so"; and "Like or typical of <u>others</u> of the same class." *Id.*, definitions 1 and 4 (emphasis added). All of these definitions carry the notion of representing someone or something else. This is the plain meaning, and the plain meaning does not read on Cordell. Moreover, any other reading of the claim would be unreasonable because it would be inconsistent with the present specification, which describes a process in which:

> a designer creates pages as usual, placing mock elements or placeholders
> on the page in place of actual content. The mock content lets the
> designer visually design the page exactly the way it should appear to the
> designer. After designing the page in this way, the designer binds or
> links the placeholders to fields in an online database, or a server such as
> an e-commerce server that provides data. The content of those fields
> replaces the mock content on the page when it appears live or is
> previewed. [Page 7, lines 19-24]

See In re Bond, 910 F.2d 831, 833, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990), ("claims in an application are to be given their broadest reasonable interpretation consistent with the specification"). The content that the Examiner reads as being representative content is not in fact representative, it is the actual content that will be displayed at that place in the document. Interpreting the term as the Examiner does is inconsistent with the specification and therefore

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unreasonable. Thus, Applicant is correct to say that Cordell does not teach placeholders that
have representative content.

(A)(iv) Neither Cordell nor Garber teach presenting the placeholder using either the representative content or the generated content, where both the representative content and the generated content are presented according to the formatting information associated with the representative content.

The Answer states the "Cordell does teach and show presenting the placeholder using the
representative content or the generated content according to the formatting information. Cordell
. . . shows the placeholder 98 represented with the global image that can be replaced with the
graphical image 110 . . . ." The formatting information to which the Examiner refers is the
position information, *i.e.*, where on the web page the image is displayed.

However, that position on a page is formatting information about – *i.e.*, associated with –
the web page, it is not formatting of the either the representative or the generated content. In
Cordell, the presentation of the global image and the graphical image – *i.e.*, the content of either
image – have no effect on each other and are not related to each other, except that they occur in
the same place on the displayed page. In Cordell, the placeholders represented with a global
image provide known temporary formatting when the formatting of the embedded graphical
image is unavailable. Col. 8, lines 45-47. This temporary formatting information is not the
formatting information associated with representative content.

(A)(v), (B)(iii), (C)(iii), D(iii) The Examiner has not met the basic criteria required to establish a *prima facie* case of obviousness.

The Examiner states that the Examiner "has used the teachings of the data display
formatting system of Cordell in combination with the HTML formatting system of Garber, to
demonstrate a *prima facie* case of obviousness with respect to the claimed invention."

What the Examiner wrote in the Answer, *e.g.*, on page 5, was that it would have been
obvious "to have modified Garber into Cordell to provide HTML tags defining the structural
layout of a page and object tags for representing visual objects or pictures; wherein the attributes

of the objects are preserved with displayed [*sic*] in an HTML editor, as taught by Garber,
incorporated into data display formatting system of Cordell, in order to provide a complete
solution to preserving formatting, layout, and attributes of objects in a document with different
environments or systems."

In this statement, the Examiner does not identify any teaching in either reference that the
references be combined. Nor does this statement identify any motivation to combine them.

Garber discloses a method for preserving attributes of objects within a file that was
created in a different environment from that in which the file was opened, enabling the attributes
to be maintained after the file is saved. Abstract. Garber discloses creating an HTML document
in a text editor by specifying the formatting and layout attributes for the objects within the
HTML document, and retaining the specified attributes when the HTML document is opened,
possibly modified, and saved in an HTML editor. Garber, col. 7, 11-19.

Cordell discloses a browser for displaying an HTML document with embedded images.
The browser displays the HTML document before all the embedded images have been received
by displaying a placeholder icon instead of embedded images. Col. 5, lines 41-45. After the
embedded images have been received, the HTML document is displayed again without the
placeholder icons. Col. 8, lines 60-67.

The Examiner has identified nothing in Garber in the way of either (i) a problem to be
solved or (ii) a suggestion to combine that would motivate the incorporation of the system of
Cordell. The Examiner has not shown in Garber any issue with opening documents over a
network that is too slow to display embedded images with the rest of the document. The system
of Garber already preserves formatting, so there is no motivation there. More particularly as to
Cordell, the Examiner has shown no lack in Garber of an ability to maintain objects on a web
page at a desired position, and that is the only kind of formatting the Examiner has identified in
Cordell. Consequently, there is no need and no motivation to combine Garber with Cordell.

Moreover, the combination is improper because the placeholder that the Examiner finds
in Garber is a different kind of thing from the placeholder the Examiner finds in Cordell, and the
Examiner provides no teaching or motivation to change the one into the other. Without such a

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change, of course, the combination would be inoperative and the claim would not read on the

combination.

More particularly, as has been noted already numerous times, the placeholder in Cordell

is the icon image that the Cordell web browser displays in place of the real image content that

has not yet arrived at the browser over the network. The placeholder the Examiner finds in

Garber is described by the Examiner as follows:

> Garber discloses "compiling the placeholders into code to generate
> content for the document based on the content source" on col. 7, lines
> 11-36 and col. 10, lines 4-10 teaches browsers determine the layout of
> the page represented with structural tags and determines the visual
> objects or pictures represented with object tags (placeholders for
> objects).

What Garber actually discloses at the cited locations is the following.

> When creating an HTML document with a text editor, a user can readily
> apply preferences in setting indentation level, tab spacing, line breaks,
> and other aspects of formatting and layout. These preferences comprise
> attributes of the text and other objects within the HTML document. The
> present invention facilitates retention of these attributes when the
> document is opened, possibly modified, and then saved in an HTML
> editor that implements the present invention.
>
> In an HTML document, a number of different objects or elements are
> employed including scripts, comments, style sheets, and non-HTML
> tags; however, the two principal types of objects are plain text and
> HTML tags. Plain text typically comprises one or more words
> surrounded by and/or separated by whitespace; HTML tags are used for
> layout and specifying how the text and other object in an HTML
> document will appear (i.e., their format) in a web page that is based on
> the HTML document when the page is viewed in a browser. The other
> types of objects in an HTML document that were first mentioned are less
> common, and not so relevant to the present invention, since preservation
> of the attributes associated with them when an HTML document is
> opened in an HTML editor is less likely to be a problem. In any case,
> other types of objects can be handled in the same manner as text objects
> and HTML tags, if it is necessary to preserve their attributes. [col. 7,
> lines 11-36]
>
> Browsers use spanning tags primarily to modify a font in which the text
> inside a span is displayed. A "structural" tag determines the layout of a

page (e.g., tags such as <body>, <table>, or <p>), while a "no-scope" (or perhaps better referred to as an "object") tag represents a visual object like a picture or active control (e.g., tags such as <img>, <object>). [col. 10, lines 4-10]

The "object tag" to which the Examiner refers and which is first mentioned in the last paragraph quoted above is an element in the HTML document on which the HTML editor of Garber operates. This element is the code that instructs the browser to get the content for the document when the document is displayed. It is part of an HTML document. The Examiner points to nothing in Garber or elsewhere that suggests any shortcoming in the HTML editor of Garber as to displaying object tags, and consequently no motivation to combine Garber with the Cordell display system.

Finally, for the Examiner to say that the combination is motivated "in order to provide a complete solution", without more, is an improper use of the applicant's disclosure as a roadmap.

(B)(ii) Cordell or Garber do not disclose obtaining placeholder content from a database.

The Examiner states that "Cordell receives data from the remote server computer to replace the placeholder . . . ." The claims, however, require more.

For example, claim 6 depends from claim 34, which recites "compiling the placeholders into code to generate content", and claim 6 further recites that "compiling the placeholders further comprises compiling code to obtain content from a database". The placeholders in Cordell are inserted locally by the browser. They are not compiled to obtain content from a database, because the code to obtain that content already exists in the HTML file when it arrives at the browser. The only reason the placeholder is displayed by the Cordell browser is because the content itself has not arrived.

(C)(ii) Cordell or Garber do not disclose presenting in place of the placeholder, generated content that is formatted according to the corresponding representative content.

The Examiner states that "Cordell teaches the position (formatting information) of the embedded graphical image is defined at least by the location of the HTML statement referencing the [image]; wherein the placeholder can be rendered in the location where the embedded

[image] is to be rendered . . . ." In other words, the position of the placeholder is determined by the position of the real content, namely, the embedded image. In the claimed invention, it is just the reverse. The formatting of the placeholder content determines the formatting of the real content.

(D)(ii) Cordell or Garber do not disclose an edit mode where the generated content of the placeholder is replaced by the representative content.

The Examiner states that Cordell teaches that the placeholder can be replaced with an image and also teaches "switching between normal and placeholder display modes to allow the user to attempt to view a selected portion of data (col. 9, lines 1-36)."

What the cited passage actually discloses is that the user of the web browser can override automatic switching between normal and placeholder mode to allow the web browser to display all data exclusively in either one or the other mode (col. 9, lines 19-23). The user can also scroll ahead to trigger the placeholder mode automatically by scrolling to a location where a not yet received image is to be located (col. 9, lines 24-34).

None of these is an edit mode – *i.e.*, a mode in which the document can be edited – as explicitly required by the claim language.

Conclusion

For the reasons stated here and in the Appeal Brief, Applicant submits that the rejection should be reversed.

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Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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